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PATENTS
103140-0014U



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Andrew Sutherland et al.)
Serial No.: 10/075,710)
Filed: February 14, 2002)
For: PEER-TO-PEER ENTERPRISE)
STORAGE)
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Examiner: Eataille, P.

Art Unit: 2186

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Technology Center 2100

Cesari and McKenna, LLP
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Boston, MA 02210
August 19, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

We have carefully considered the Office Action dated May 20, 2004, in which claims 1-2 and 19-21 are rejected as being anticipated by U.S. Published Application 2002/0188657 to Traversat, claims 1-7, 15, 19-26 and 34 are rejected as being anticipated by United States Published Patent Application 2003/01545086 to O'Reilly and the remaining claims are objected to as depending from rejected base claims. We would like to point out that the filing date of the O'Reilly patent application comes after the filing date of the provisional application on which the current application is based. Accordingly, the

published O'Reilly patent application should not be considered 102(e) prior art with respect to the subject matter of the pending claims. Further, the Traversat published patent application claims priority from several provisional applications, and only one of the provisional applications predates the priority date of the current application. Accordingly, we do not know which aspects of the Traversat system were added on or after the priority date of the current application. However, as discussed below, we contend that the published Traversat application in its entirety does not show, teach or suggest the current invention.

The current invention is a distributed network storage system that includes a plurality of file storage nodes that communicate peer-to-peer over a network. The current system further includes a storage coordinator that manages file storage on the plurality of file storage nodes. The storage coordinator designates selected groups of nodes within the plurality of nodes as replication groups and directs the nodes selected for a given group to communicate peer-to-peer to replicate associated group files. The storage coordinator thus centrally manages distributed storage resources.

In contrast, the Traversat system is a system in which a peer-to-peer platform describes "how to create and discover peer groups, but does not dictate when, where, or why to create a peer group, the type of the group or the membership of the group." (page 10, paragraph 0123). The peer groups in the Traversat system establish their own membership policies and determine their own membership. A given peer seeks to join a peer group by first locating a current member of the group and then applying for membership in the group. The members of the group then collectively accept or reject the application

(paragraph 0124). Accordingly, Traversat teaches away from centrally managing the creation of peer groups, and thus, teaches away from the storage coordinator of the current system.

As the Examiner points out, the Traversat system allows the peers that have joined a peer group to share published content within the group (paragraph 0132). However, there is no showing, teaching or suggestion in Traversat of a storage coordinator that creates the group and/or directs the nodes in the group to replicate associated group files.

Accordingly, Traversat does not anticipate, teach or suggest the current invention because, *inter alia*, Traversat does not show, teach or suggest the storage coordinator set forth in independent claims 1 and 20 and the claims that depend therefrom.

In light of the above, the claims should be in form for allowance. We respectfully request that the Examiner reconsider his rejections and issue a Notice of Allowance for all pending claims.

If the Examiner maintains a rejection over the Traversat published patent application, we request that the Examiner provide us with copies of the provisional applications from which the Traversat application claims priority so that we may determine the subject matter that pre- and post-dates the filing date of the provisional application from which the current application claims priority.

Please charge any fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Patricia A. Sheehan", written over a horizontal line.

Patricia A. Sheehan

Reg. No. 32,301

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